S.B. CIVIL WRIT PETITION NO.4682/2004.
(DALEP KUMAR & ORS. VS. STATE OF RAJASTHAN & ORS.)

DATE OF ORDER : 28.03.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. H.K. Jain for the petitioners.
Mr. K.L. Thakur, AAG, for the respondents.

The 13 petitioners by this petition for writ, claimed for regularization of their services in Public Health and Engineering Department of the Government of Rajasthan and also for payment of salary to them in the pay scales prescribed by the Government of Rajasthan for the post said to be held by them.

According to the petitioners, they were employed in the Rural Water Supply Scheme operated by Public Health and Engineering Department, but no regular pay scale was allowed to them. An allegation of violation of Article 14 and 16 read with Article 39(d) of the Constitution of India is made.

In reply to the writ petition, it is contended by the respondents that the petitioners were never employed by Public Health and Engineering Department under any scheme run by the Public Health and Engineering Department . The services of the petitioners were utilized by Gram Panchayat under Rural Water Supply Scheme and not by Public Health and Engineering Department. The mode of appointment of the petitioners is also

alleged as illegal being not in accordance with rules. It is stated that irregular appointment of the petitioners cannot be regularized by the respondents.

From the pleadings, I find that there are number of disputed facts those cannot be settled by this Court under its writ jurisdiction. The issues with regard to appointment of the petitioners, the mode adopted while making their appointments, the work taken by them, the duties discharged by the petitioners, the mode of payment of wages are some of the facts, those require settlement by adducing evidence and by appreciation of that. The questions raised by the petitioners in this petition can well be agitated before a forum under Industrial Disputes Act, 1947. The petitioners in the instant matter have an efficacious alternative remedy for redressal of their grievances under the Act of 1947.

Accordingly, this petition for writ is disposed of with liberty to the petitioners to raise an industrial dispute collectively for redressal of their grievances those are subject matter of present petition for writ.

No order to cost.

(GOVIND MATHUR)J.

Anil/